

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01876-EGS**

DEMOCRACY FORWARD FOUNDATION v. UNITED
STATES DEPARTMENT OF THE INTERIOR
Assigned to: Judge Emmet G. Sullivan
Cause: 05:552 Freedom of Information Act

Date Filed: 08/09/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**DEMOCRACY FORWARD
FOUNDATION**

represented by **Travis James Annatoyn**
DEMOCRACY FORWARD
FOUNDATION
1333 H Street NW
Washington, DC 20005
(810) 923-0534
Email: tannatoyn@democracyforward.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Javier M. Guzman
DEMOCRACY FORWARD
FOUNDATION
P.O. Box 34553
Washington, DC 20043
(202) 448-9090
Email: jguzman@democracyforward.org
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT
OF THE INTERIOR**

represented by **Brian J. Field**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2551
Fax: (202) 234-2806
Email: brian.field@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua L. Rogers
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2578
Fax: (202) 252-2599
Email: joshua.rogers3@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Doris Denise Coles-Huff
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530

(202) 252-2557
 Fax: (202) 252-2599
 Email: doris.coles@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/09/2018	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF THE INTERIOR (Filing fee \$ 400 receipt number 0090-5630664) filed by DEMOCRACY FORWARD FOUNDATION. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Exhibit)(Guzman, Javier) (Attachment 1 replaced on 8/9/2018) (zmd). (Entered: 08/09/2018)
08/09/2018		Case Assigned to Judge Emmet G. Sullivan. (zmd) (Entered: 08/09/2018)
08/10/2018	<u>2</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 08/10/18. (Attachment: # <u>1</u> Exhibit 1) (mac) (Entered: 08/10/2018)
08/13/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF THE INTERIOR, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 08/13/2018)
08/21/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/20/2018. (Answer due for ALL FEDERAL DEFENDANTS by 9/19/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF THE INTERIOR served on 8/20/2018, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/20/18. (Attachments: # <u>1</u> Declaration)(Guzman, Javier) (Entered: 08/21/2018)
08/30/2018	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Travis Annatoyn, :Firm- Democracy Forward Foundation, :Address- P.O. Box 34553, Washington, D.C. 20043. Phone No. - 202-448-9090. Fee Status: No Fee Paid. by DEMOCRACY FORWARD FOUNDATION (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Guzman, Javier) (Entered: 08/30/2018)
09/04/2018		MINUTE ORDER granting <u>5</u> motion for leave to appear pro hac vice. Attorney Travis Annatoyn is hereby admitted pro hac vice in this matter. Signed by Judge Emmet G. Sullivan on 9/4/2018. (lcegs3) (Entered: 09/04/2018)
09/20/2018	<u>6</u>	NOTICE of Appearance by Joshua L. Rogers on behalf of UNITED STATES DEPARTMENT OF THE INTERIOR (Rogers, Joshua) (Entered: 09/20/2018)
09/20/2018	<u>7</u>	Unopposed MOTION for Extension of Time to File Answer , <i>Nunc Pro Tunc</i> by UNITED STATES DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Answer)(Rogers, Joshua) (Entered: 09/20/2018)
09/24/2018		MINUTE ORDER granting <u>7</u> unopposed motion for extension of time to file answer nunc pro tunc. [7-1] defendant's answer is therefore accepted as timely filed. Signed by Judge Emmet G. Sullivan on 9/24/2018. (lcegs3) (Entered: 09/24/2018)
09/24/2018	<u>8</u>	ANSWER to Complaint (nun pro tunc) by UNITED STATES DEPARTMENT OF THE INTERIOR.(jf) (Entered: 09/24/2018)
10/10/2018		MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than November 1, 2018. The parties' joint proposed scheduling order shall address the following: (1) The status of plaintiff's FOIA request; (2) The anticipated number of documents responsive to plaintiff's FOIA request; (3) The anticipated date(s) for release of documents responsive to plaintiff's FOIA request; (4) Whether a motion for an Open America stay is likely in this case; (5) Whether a Vaughn index will be required in this case; (6) Whether this case would benefit from referral to a magistrate judge or the

		District Court Mediation Program for purposes of settlement; and (7) A proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on 10/10/2018. (lcegs3) (Entered: 10/10/2018)
10/10/2018		Set/Reset Deadlines: Joint Proposed Scheduling Order due by 11/1/2018. (mac) (Entered: 10/10/2018)
11/01/2018	<u>2</u>	Joint STATUS REPORT by DEMOCRACY FORWARD FOUNDATION. (Annatoyn, Travis) (Entered: 11/01/2018)
11/02/2018		MINUTE ORDER. In view of <u>2</u> joint status report, the parties are directed to file another status report by no later than December 19, 2018 to update the Court on the status of production and/or whether the case can be resolved without further litigation. Signed by Judge Emmet G. Sullivan on 11/2/2018. (lcegs3) (Entered: 11/02/2018)
11/05/2018		Set/Reset Deadlines: Joint Status Report due by 12/19/2018. (mac) (Entered: 11/05/2018)
12/19/2018	<u>10</u>	NOTICE of Appearance by Brian J. Field on behalf of All Defendants (Field, Brian) (Entered: 12/19/2018)
12/19/2018	<u>11</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE INTERIOR. (Field, Brian) (Entered: 12/19/2018)
12/20/2018		MINUTE ORDER in view of <u>11</u> joint status report, the parties are directed to file another joint status report by no later than January 21, 2019 to update the Court on the status of the production and whether the case can be resolved without litigation. Signed by Judge Emmet G. Sullivan on 12/20/2018. (lcegs3) (Entered: 12/20/2018)
12/20/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 1/21/2019. (zcdw) (Entered: 12/26/2018)
01/22/2019	<u>12</u>	MOTION to Stay by UNITED STATES DEPARTMENT OF THE INTERIOR (Attachments: # <u>1</u> Text of Proposed Order)(Coles-Huff, Doris) (Entered: 01/22/2019)
01/22/2019		MINUTE ORDER denying <u>12</u> defendant's motion for stay. The parties are directed to comply with the Court's December 20, 2018 Minute Order by no later than February 1, 2019. Signed by Judge Emmet G. Sullivan on 1/22/2019. (lcegs3) (Entered: 01/22/2019)
01/23/2019		Set/Reset Deadlines: Status Report due by 2/1/2019 (mac) (Entered: 01/23/2019)
02/01/2019	<u>13</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) (Entered: 02/01/2019)
02/01/2019	<u>14</u>	ENTERED IN ERROR.....Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) Modified on 2/4/2019 (jf). (Entered: 02/01/2019)
02/04/2019		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>14</u> Status Report was entered in error as a duplicate entry to <u>13</u> .(jf) (Entered: 02/04/2019)
02/08/2019	<u>15</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE INTERIOR. (Graham-Oliver, Heather) (Entered: 02/08/2019)
02/19/2019		MINUTE ORDER. In view of <u>15</u> Joint Status Report, the parties are directed to file a joint status report updating the Court on the status of Defendant's production efforts and whether further litigation will be necessary by no later than March 26, 2019. Signed by Judge Emmet G. Sullivan on 2/19/2019. (lcegs3) (Entered: 02/19/2019)
02/19/2019		Set/Reset Deadlines: Joint Status Report due by 3/26/2019. (mac) (Entered: 02/19/2019)
03/26/2019	<u>16</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE INTERIOR. (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 03/26/2019)

03/27/2019		MINUTE ORDER. In view of the parties' <u>16</u> Joint Status Report, the parties are directed to submit another joint status report by no later than April 26, 2019. Defendant shall produce to Plaintiff the remainder of the responsive, non-exempt portions of the approximately 5,400 pages of potentially responsive records described therein by no later than May 25, 2019, unless the parties agree otherwise. Signed by Judge Emmet G. Sullivan on 3/27/2019. (lcegs3) (Entered: 03/27/2019)
03/27/2019		Set/Reset Deadlines: Joint Status Report due by 4/26/2019. (mac) (Entered: 03/27/2019)
04/26/2019	<u>17</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE INTERIOR. (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 04/26/2019)
04/26/2019		MINUTE ORDER. In view of the parties' <u>17</u> Joint Status Report, the parties are directed to submit another joint status report by no later than June 3, 2019. Signed by Judge Emmet G. Sullivan on 4/26/2019. (lcegs3) (Entered: 04/26/2019)
04/29/2019		Set/Reset Deadlines: Joint Status Report due by 6/3/2019. (mac) (Entered: 04/29/2019)
06/03/2019	<u>18</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) (Entered: 06/03/2019)
06/04/2019		MINUTE ORDER. In view of the <u>18</u> Joint Status Report, the parties are directed to submit another joint status report by no later than July 3, 2019, informing the Court of the status of the Plaintiff's FOIA request and providing a joint recommendation for further proceedings. Signed by Judge Emmet G. Sullivan on 6/4/2019. (lcegs3) (Entered: 06/04/2019)
06/04/2019		Set/Reset Deadlines: Joint Status Report due by 7/3/2019. (mac) (Entered: 06/04/2019)
06/28/2019	<u>19</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) (Entered: 06/28/2019)
07/01/2019		MINUTE ORDER. In view of the <u>19</u> Joint Status Report, the parties are directed to submit another joint status report by no later than July 29, 2019. Signed by Judge Emmet G. Sullivan on 7/1/2019. (lcegs3) (Entered: 07/01/2019)
07/01/2019		Set/Reset Deadlines: Joint Status Report due by 7/29/2019. (mac) (Entered: 07/01/2019)
07/25/2019	<u>20</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) (Entered: 07/25/2019)
07/29/2019		MINUTE ORDER. In view of the <u>20</u> Joint Status Report, the parties are directed to submit another joint status report by no later than August 9, 2019. Signed by Judge Emmet G. Sullivan on 7/29/2019. (lcegs3) (Entered: 07/29/2019)
07/29/2019		Set/Reset Deadlines: Joint Status Report due by 8/9/2019. (mac) (Entered: 07/29/2019)
08/09/2019	<u>21</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE INTERIOR. (Rogers, Joshua) (Entered: 08/09/2019)
08/12/2019		MINUTE ORDER. In view of the <u>21</u> Joint Status Report, the parties are directed to submit another joint status report by no later than September 23, 2019, updating the Court on the status of the production and whether further litigation will be necessary. The parties shall file a proposed order with each joint status report. Signed by Judge Emmet G. Sullivan on 8/12/2019. (lcegs3) (Entered: 08/12/2019)
08/12/2019		Set/Reset Deadlines: Joint Status Report due by 9/23/2019. (mac) (Entered: 08/12/2019)
08/13/2019		Entered In Error.....Set/Reset Deadlines: Parties Joint Status Report, Proposing A Joint Recommendation For Further Proceedings due by 9/19/2019. (mac) (Entered: 08/13/2019)
09/20/2019	<u>22</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE INTERIOR. (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 09/20/2019)

09/24/2019		MINUTE ORDER. In view of the <u>22</u> Joint Status Report, the parties are directed to submit another joint status report by no later than October 21, 2019. Signed by Judge Emmet G. Sullivan on 9/24/2019. (lcegs3) (Entered: 09/24/2019)
09/25/2019		Set/Reset Deadlines: Joint Status Report due by 10/21/2019. (mac) (Entered: 09/25/2019)
09/25/2019		Set/Reset Deadlines: Initial Disclosures Pursuant To Rule 26(a)(1) due by 10/23/2019. Any Amendments To The Pleadings due by 11/13/2019. Plaintiff Rule 26(a)(2) Expert Disclosures due by 5/4/2020. Defendant Rule 26(a)(2) Expert Disclosures due by 6/5/2020. Plaintiff Rebuttal Expert Disclosures due by 6/19/2020. Discovery due by 7/31/2020. Stipulated Protective Order due by 10/18/2019. (mac) (Entered: 09/25/2019)
09/25/2019		ENTERED IN ERROR....Set/Reset Deadlines: Joint Status Report due by 7/31/2020. (mac) (Entered: 09/25/2019)
10/21/2019	<u>23</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF THE INTERIOR. (Attachments: # <u>1</u> Text of Proposed Order)(Rogers, Joshua) (Entered: 10/21/2019)